

**7.600 STANDARDS FOR BILLING, CREDIT AND COLLECTIONS, AND CUSTOMER INFORMATION
FOR TELECOMMUNICATIONS CARRIERS****Contents**

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7.601 Purpose

The purpose of this Rule is to:

- (A) Inform consumers by ensuring that customers and applicants for service receive adequate and timely information from telecommunications carriers about service offerings, account status, and anticipated actions involving disconnections.
- (B) Prevent discrimination by ensuring reasonable access to service and ensuring that all customers and applicants for telecommunication services are not subject to unjust discrimination and are not unreasonably denied or disconnected from telecommunications service.
- (C) Protect consumers by prohibiting unfair or deceptive practices and establishing minimum mandatory consumer protection standards, including minimum standards for disconnection.

7.602 Applicability

These rules apply to all telecommunications services, as defined in 30 V.S.A. §203(5), provided within the state of Vermont, including both intrastate services and interstate services to the extent that state jurisdiction is not otherwise preempted by federal law. These rules do not apply to telecommunications services provided by commercial mobile radio service carriers. These rules supercede existing Board Rules 3.300 and 3.400 as they apply to telecommunications carriers.

7.603 Conformity with statute and rules

Any provision of a carrier's terms and conditions of service or contracts that conflicts with Vermont Statute or Board rules or orders shall be void and unenforceable unless explicit waiver is granted by the Board. Approval of a tariff containing any such provision shall not be deemed explicit waiver.

7.604 Definitions

- (A) "Account balance" is the total amount owed by a customer that has been billed in accordance with this Rule.
- (B) "Advance billing" is the practice of requiring customers to prepay for services that will be provided during a specific, identifiable period in the future. Advance billing does not include any funds retained as a security deposit.
- (C) "Applicant" is any person who applies for telecommunications service and who is not a customer of the carrier.
- (D) "Basic service delinquency" means an arrearage for basic telephone service calculated at the carrier's standalone rate for basic service.
- (E) "Basic telephone service" means providing access to the public switched telephone network by providing a dial-tone and the opportunity to originate and terminate local calls. For purposes of this Rule basic telephone service shall include a package or bundle of services that includes basic telephone service.
- (F) "Basic telephone service charge" means all charges incurred in connection with provision of basic telephone service, including: (1) all one-time charges for installing or

initiating service; (2) all fees and charges mandated by law or regulation for the provision of basic service; (3) and any late payment charges for failure to pay basic service charges. However the term does not include charges for directory assistance and non-published number, additional listing, non-directory listed, and non-listed service; and any charges for call waiting, caller ID, call forwarding and any other services ordered by the customer and ancillary to basic telephone service that are purchased separately and are not part of a bundled package offering.

- (G) "Bill" is a written statement (printed or electronic) from a telecommunications service carrier to a customer that requests payment for services rendered, or to be rendered in the case of advanced billing, or notifies a customer of an amount to be debited from an account. A request for payment of charges that have previously been billed, exclusive of any new charges, such as a dunning notice or disconnection notice, is not a bill.
- (H) "Billed account" is an account that is assigned a unique identification number by the telecommunications service carrier for tracking purposes.
- (I) "Board" means the Vermont Public Service Board.
- (J) "Bundle" is a combination of various telecommunications services offered by a provider for a single price.
- (K) "Business days" are Monday through Thursday, excluding Vermont legal holidays and any other day when the company's business offices are not open to the public, and any day preceding the day the company's business offices are not open to the public.
- (L) "CAPI" is the Consumer Affairs & Public Information Division of the Vermont Department of Public Service.
- (M) "Carrier" is an entity providing telecommunications service as defined in 30 V.S.A. § 203(5).
- (N) "Clear and conspicuous" is that which would be readily apparent to a reasonable customer.
- (O) "Commercial mobile radio service carrier" or "CMRS carrier" is a carrier that is a provider of commercial mobile radio service as defined in 47 U.S.C. § 332(d)(1).
- (P) "Customer" is any person who has applied for, been accepted and is receiving telecommunication service as defined in 30 V.S.A. § 203(5) or has agreed to be billed for the same.
- (Q) "Delinquency" is failure of the customer to tender payment for a valid bill or charge by the later of (1) within twenty-five days of the postmark date of that bill or charge or the date of other official indicia of mailing, or (2) by a "due date" stated on the bill.
- (R) "Department" means the Vermont Department of Public Service.
- (S) "Deposit" is any funds, however designated, that are held as security for future payment or performance in accordance with Board Rule 3.200.

- (T) "Disconnection" is the deliberate termination, limitation or cessation of any telecommunications service subject to this Rule.
- (U) "Dispute" is a grievance, inquiry, or complaint by an applicant or customer about a carrier's application of any Board rule or order, Vermont statute, federal rule or law enforceable by the state, or term or condition offered by the carrier to the applicant or customer.
- (V) "Eligible telecommunications carrier" or "ETC" is a carrier designated by the Board as an eligible telecommunications carrier under Section 214(e) of the Telecommunications Act of 1996; 47 U.S.C. § 214(e).
- (W) "New carrier" is a carrier listed on another carrier's bill that was not listed during the previous billing cycle.
- (X) "Primary residential line" is an access line carrying a residential local exchange class of service under applicable tariffs to a residential dwelling. When a residential dwelling is served by more than one line providing a residential local exchange class of service, the line that had residential service established earliest is the primary residential line.
- (Y) "Rate plan" is a set of services, prices, terms and conditions offered by a carrier to a customer.
- (Z) "Residential service" means telecommunications service that is provided to a residence and used primarily for domestic purposes.
- (AA) "Telecommunications service" means any service defined in 30 V.S.A. 203(5).
- (BB) "Toll service" is telecommunications service that connects end users across the boundaries of local calling areas, as established by the Board, and that is activated by a dialing pattern consisting of a "1" and ten following digits.

7.605 Consumer Bill of Rights

- (A) Vermont telecommunications consumers have the following rights:
 - (1) The right to know and control what one is buying.
 - (2) The right to know from whom one is buying.
 - (3) The right to know the full price of goods and services purchased.
 - (4) The right to reasonable payment terms.
 - (5) The right to fair treatment.
 - (6) The right to impartial resolution of disputes.
 - (7) The right to reasonable compensation for poor service quality.
 - (8) The right of access to basic local exchange service, as long as basic local exchange service charges are paid, regardless of whether they have paid any charges for services other than basic local exchange services.
 - (9) The right to be free of improper discrimination in prices, terms, conditions, or offers.
 - (10) The right to privacy by controlling the release of information about oneself and one's calling patterns and by controlling unreasonable intrusions upon privacy.
 - (11) The right to join with other consumers for mutual benefit.

- (B) Directory Errors and Omissions. All carriers shall promptly correct directory assistance and phone directory errors and omissions. Whenever possible, within two business days carriers shall ensure that the correct number is available through directory assistance. Unless it would inconvenience another customer, the carrier shall, if practicable, allow customers to receive calls placed to an erroneously listed number.

7.606 Discrimination Prohibited

- (A) A carrier shall provide service and apply the terms of its rate plan, tariff, credit, collections and disconnection policies to applicants and customers on a non-discriminatory basis and in the same manner to all similarly situated customers.
- (B) A carrier shall not threaten to undertake collection activities or to disconnect a customer in retaliation for a customer lodging a complaint with the carrier, CAPI or the Board. Nothing in this Rule, however, shall be construed as precluding a carrier from taking all actions legally available to it, including collection or disconnection as otherwise allowed by these rules, with respect to undisputed charges owed by the customer.
- (C) If a customer has filed a complaint with CAPI alleging a violation of a statute or Board rules applicable to that carrier, and the complaint is directly related to a pending disconnection, termination or cancellation of service, the carrier may not disconnect, terminate, cancel, or threaten disconnection, termination or cancellation of service until the dispute is resolved.

7.607 Unfair or Deceptive Practices

- (A) Prohibited practices. The following practices are prohibited to all carriers:
- (1) Use of a company name that is deceptive or unreasonably confusing to customers.
 - (2) An unfair, deceptive, or unconscionable act or practice in connection with a customer transaction.
- (B) Direct marketing efforts. A carrier that conducts direct marketing efforts aimed at specific customers or groups of customers shall conspicuously state on all direct marketing materials any limitations on availability of service. Except as so limited, a carrier shall exercise reasonable care to ensure that it has in hand or can procure within a reasonable amount of time the facilities and is willing to provide the service marketed to all customers who are the subject of the direct marketing effort and who wish to subscribe to the service.
- (C) Negative enrollment prohibited. Unless specifically authorized by the Board, no carrier shall employ "negative enrollment" in which customers become enrolled in a service without affirmative selection by the customer.
- (D) Number Porting. Carriers shall port a customer's telephone number to another carrier when the other carrier makes a number porting request consistent with the standards and procedures established by the Federal Communications Commission.

7.608 Privacy

- (A) Privacy Protection.

- (1) Protection. Carriers shall take reasonable care to protect the privacy interests of their customers.
 - (2) Privacy analysis required. When or before a carrier files a tariff that introduces or modifies a service or implements a technology change that may affect the privacy interests of customers, the company shall file a privacy analysis statement with the Board and Department. The statement shall describe foreseeable changes to customer privacy protections and expectations. The statement shall also describe any privacy-related actions the carrier proposes to take and options the carrier proposes to make available to customers. This subsection does not apply to carriers not required to file tariffs.
- (B) Customer proprietary network information, automatic number identification and calling party.
- (1) The requirements of 47 C.F.R., Part 64, Subpart P apply to all carriers within the state providing calling party number, ANI or charge number services on intrastate calls in the same manner as those rules apply to interstate carriers.
 - (2) The requirements of 47 C.F.R., Part 64, Subpart U apply to all telecommunications providers of intrastate services.
- (C) Non-directory listed and non-published numbers.
- (1) Each carrier providing a telephone number to a customer shall provide the customer with the opportunity to have that number omitted from published directories and to be unavailable to that carriers' and other directory listing services.
 - (2) When a customer has asked to have his or her number omitted from published directories or to be unavailable to directory listing services, the carrier shall take reasonable care to preserve the customer's privacy according to the terms of the request. Provided, however, that nothing in these rules shall prevent a carrier from:
 - (1) providing listings information of such customer to other directory assistance providers, carriers and directory publishers for purposes of publishing and delivering directories or as otherwise required by law;
 - (2) sharing customer information with other carriers and with law enforcement officials to prevent or investigate unlawful use of communications services; or
 - (3) complying with applicable state or federal legal requirements.
 - (3) A carrier may impose a reasonable charge for omitting a customer's number from directory information.
- (D) Call Blocking.
- (1) As described below, carriers providing basic telephone service shall allow their customers to prevent the display of the calling party's name and telephone number on a caller identification display device (Call Blocking). "Per-Call Blocking" means Call Blocking for individual calls. "Per-Line Blocking" means Call Blocking for all calls from the customer's number.
 - (a) Per- Call Blocking shall be provided free of charge to all customers.
 - (b) Per-Line Blocking shall be available to all customers. Per-Line Blocking shall be provided at no charge to any customer who has declared a safety risk and to any customer with a non-published number service who requests the service. A

customer may demonstrate a safety risk by completing a declaration form provided by the carrier.

- (2) When a carrier provides basic telephone service with Per-Line Blocking the carrier shall also provide a telephone number at which the customer can verify at no cost that Per-Line Blocking functions properly.
- (3) Carriers providing basic telephone service shall notify customers of the availability of Call Blocking and criteria for obtaining free Per Line Blocking. Notice shall be given:
 - (a) In the published number directory used by the carrier or annually by other means; and
 - (b) Individually to any existing or new customer, except that notice of Per-Line Blocking is only required for a customer who requests non-published service or who has declared a safety risk pursuant to subsection (D)(1)(b) above.
- (E) Toll-Free and Pay-per-Call Services. Carriers shall provide, individually or in conjunction with other companies, notice at least annually to all customers describing the information that is released to call recipients when the customer places a call to a toll-free or pay-per-call telephone number.

7.609 Rates, Fees, and Charges

- (A) Persons Using Adaptive Telecommunications Equipment for Deaf, Speech Impaired, or Hearing Impaired Persons. All carriers shall provide a forty (40) percent discount on intrastate voice services to customers who utilize a TTY or other adaptive telephone equipment for the deaf, speech impaired or hearing impaired. The discount shall apply to all usage charges, including local and toll measured service charges and the usage component of optional calling plans.
- (B) Blind, or Visually Impaired Persons. All carriers offering directory assistance shall provide directory assistance without charge to customers who are blind or visually impaired.
- (C) Interrupted Service Credit. Carriers shall provide customers with a credit allowance for service interruptions lasting more than twenty-four hours. The credit will be provided to customers who contact the carrier reporting the outage and also to customers that the carrier knows are affected by the outage. The amount shall be at least the amount resulting from the following formula:
$$\text{Credit} = (A \times B) / 720$$
Where "A" is the outage time in hours (if of continuous duration of twenty-four hours or more), and "B" is the total monthly charges for the affected service.
- (E) Late Fees. Any late payment fees shall be listed with the rates for any service upon which a carrier assesses a fee for late payment. No late payment fee shall exceed the legal rate of interest (as set forth in 9 V.S.A. § 41a). Late payment fees may be imposed only on delinquent amounts that are not disputed or on disputed amounts over six months delinquent.

- (F) Returned Payment Charge. Whenever a payment for service (including, but not limited to a check, draft, or electronic payment) is not accepted by the institution on which it is written or charged, a carrier may charge a reasonable fee.
- (G) Operator Service. Rates for Operator Service shall not exceed the rates charged by Verizon of New England, d/b/a Verizon Vermont, Inc., or its successor company as filed in its tariff with the Board. This rule applies to all calls made from transient locations such as hotel lobbies and rooms, but it does not apply:
 - (1) to "dial-around" calls, defined as services selected by the caller and outside the control of the presubscribed carrier and initiated by dialing a toll-free number (such as those with a "1-800" prefix or those using the prefix "1010").
 - (2) to calls from locations where the person selecting the presubscribed Operator Service Provider carrier is also the person who will be paying the bill.
 - (3) incumbent local exchange carriers as defined pursuant to Board Rule 7.500, providing service within their local exchange areas.

7.610 Advertising

- (A) In advertising of prices for service or devices, carriers will disclose material charges and conditions related to the advertised prices, including, if applicable and to the extent the advertising medium reasonably allows:
 - (1) Activation or initiation fees.
 - (2) Monthly access fees or base charges.
 - (3) Any required contract term.
 - (4) Early termination fees.
 - (5) Terms and conditions related to receiving a product or service for "free."
 - (6) The times of any peak and off-peak calling periods.
 - (7) Whether different or additional charges apply for calls outside of the carrier's network or outside of designated calling areas.
 - (8) Whether prices or benefits apply only for a limited time or promotional period, and, if so, any different fees or charges to be paid for the remainder of the contract term;
 - (9) Whether any additional taxes, fees or surcharges apply.
- (B) Mass marketing efforts. No carrier shall make any offer for services in any public media, including print, television, radio, or promotional literature without:
 - (1) stating clearly, conspicuously, and in close proximity to the words stating the offer whether any material exclusions, reservations, limitations, modifications, or conditions apply to the service being offered; and
 - (2) identifying the exclusions or providing a toll-free contact number by which customers may learn of the restrictions.
- (C) Disclosures in plain language. Any disclosures required to be provided by carriers shall be clear and conspicuous such that they are rendered in a size, color, contrast, location, duration and audibility that it is readily noticeable, readable and understandable.

7.611 Service Order — Prior Disclosure

- (A) At the time a customer orders service from a carrier, the carrier shall provide a clear and understandable description of the terms, conditions, rates, and charges for all requested services. Disclosure shall include, at least the following:
- (1) identification of any non-recurring charges, such as installation;
 - (2) identification of recurring non-usage charges, such as monthly minimum fees or service charge;
 - (3) identification of usage charges;
 - (4) identification of disconnection, termination, cancellation and downgrade fees if any;
 - (5) identification of other fees, surcharges and taxes; and
 - (6) advice that the customer may cancel service within fifteen days of receiving written confirmation of the service order without incurring any termination or cancellation charges.

7.612 Service Order — Written Confirmation

- (A) General. When a customer initiates service, agrees to a change in service whereby the customer is bound to a contract extension, or a customer so requests, the carrier shall provide or confirm the material terms and conditions of service with the subscriber. The confirmation shall be mailed no later than the date on which the customer's first or next bill for the ordered service is mailed or, if the customer so requests within five days of order entry or request. Confirmation may be made by mail, or it may be provided electronically in accordance with subsection (C).
- (B) Form of service order confirmation. Confirmation shall include the following:
- (1) Notice of the right to cancel service within fifteen days of receiving written confirmation of the service order without incurring any termination or cancellation charges.
 - (2) If the order is subject to a promotional rate, a clear and understandable description of the duration and conditions of that promotional rate, and the rate changes that will occur at the end of the promotional period.
 - (3) Notice that CAPI is available for complaint resolution and telephone numbers and addresses of the carrier and of CAPI where further inquiries may be made.
- (C) Delivery. Carriers shall make personal delivery of service order confirmations or may mail or send them by equivalent means. However, confirmation may be provided electronically if a customer has explicitly been given a choice and has affirmatively chosen electronic confirmation.
- (D) Interpretation of service order. Ambiguities in the terms or conditions of a service order confirmation may be construed against the carrier.
- (E) Customer right to cancel. For any reason, a customer may cancel a service order orally or in writing without penalty or further obligation within fifteen (15) days of delivery of an order confirmation. Delivery date shall be determined by the postmark of a mailed notice. The customer shall pay or formally dispute any charge incurred within the 15-day period. By a separately signed statement, a business customer may waive the right to cancel.

7.613 Telemarketing

Notice. Carriers providing telephone directories shall provide notice to customers in that telephone directory describing how customers can be protected from unwanted telemarketing. The carrier may use the form in Appendix A or may provide substantially equivalent information.

7.614 Billing and Payment; General Rules**(A) General bill requirements.**

- (1) Bills issued by a carrier shall be well organized and shall display all required information clearly and conspicuously.
- (2) Bills shall include information that the customer might need to make inquiries about or to contest charges on the bill, including the toll-free number or numbers and an address or addresses at which customers may reach a customer service representative.
- (3) Absent a billing error, a customer who pays in full the amount of charges set forth on a carrier's bill shall be deemed to have paid in full for all services provided to that customer during the billing period described on the bill.

(B) Bills shall also contain the following customer-specific information for each billed account:

- (1) The name of each carrier providing service to the customer. If a carrier has more than one name, the name appearing on the bill must be the name used to market the service. Where charges for two or more carriers appear on the same telephone bill, the charges must be separated by carrier.
- (2) The name of any new carrier or other entity and the charges from any new carrier or other entity appearing on the bill, including a description of the new carrier's or other entity's relationship with the customer, and including a statement, if applicable, that the new carrier or other entity is the customer's presubscribed toll or local exchange carrier.
- (3) A brief, non-misleading, plain language description of the product, service or services rendered, sufficient to allow the customer to determine whether the bill accurately reflects the service that the customer requested and received.
- (4) The dates that the bill is issued or a postmark, that the current billing cycle closed, and that payment is due.
- (5) The balance due at the beginning of the current billing cycle, using a term such as "previous balance."
- (6) The amount of the new charges during the current billing cycle, using a term such as "current service." Any usage charges shall be itemized at a unit level (including the number of units consumed and the rates charged per unit). Non-recurring, recurring, and usage charges shall be separately identified.
- (7) The payments received since the previous bill, using a term such as "payments."
- (8) The amount of the additional charges during the current billing cycle for untimely payment of past charges, using a term such as "late charge."

(C) Treatment of taxes. The description of any fee or charge on the bill may not state, imply or suggest that the carrier is required by a governmental agency to impose the fee or charge on the end user or collect the fee or charge from the end user, if it is not so required. No carrier may itemize a separate charge to represent the gross receipts tax imposed on carriers under 30 V.S.A § 22.

- (D) Billing for third parties restricted. Carriers shall not knowingly or negligently submit bills on behalf of a service provider who:
- (1) Fails to comply with 9 V.S.A § 2466 (Goods and Services Appearing on Telephone Bill), or any rule or regulation under that statute.
 - (2) Fails ordinarily to maintain customer service representatives in accordance with this rule.
- (E) Bill delivery. All bills from a carrier shall be sent by U.S. Mail or hand delivered unless the customer agrees to receive them via another means of delivery.
- (F) Billing errors. A carrier shall promptly notify its customer after it discovers or is notified of a billing error. The carrier shall correct the error within forty-five (45) days of discovery or notice. A carrier shall investigate when it has reason to believe that a billing error may exist affecting one or multiple customers. A carrier that discovers a billing error affecting more than 100 customers shall within ten days notify CAPI.
- (G) Refunds. When a carrier discovers that it has charged in excess of correct rates, it shall credit or refund overcharges occurring within the eighteen months preceding discovery or notice. This provision does not limit any rights or remedies to recover overcharges through civil actions.
- (H) Automatic debit of payments.
- (1) No carrier shall automatically debit a bank, credit card, or similar account of a customer without first obtaining the customer's clear and unambiguous consent.
 - (2) Carriers shall send a bill to a customer following an automatic debit, unless the customer has affirmatively agreed to accept debits without receiving a billing statement.
 - (3) Each carrier shall preserve a clear and unambiguous record of its customers' consent for automatic debits for as long as it continues to automatically debit the customer's account.
- (I) Receipt of Payment.
- (1) If the customer sends payment by mail, payment is made on the date the carrier receives the payment.
 - (2) If the customer pays at a branch office or authorized agency of the carrier, payment is made on the date of receipt at that location.
 - (3) Payment by check or similar instrument is made when tendered, provided that the instrument is subsequently honored.
- (J) Large volume exception. If a customer agrees in advance, a carrier may use a billing format that does not conform to this rule. This exception applies only if the customer purchases more than 100 voice access lines, or their equivalent or if the customer regularly pays more than \$10,000 per month in recurring charges for telecommunications services.

7.615 Billing and Payment; Basic Service

- (A) Scope. This section applies to bills that charge for basic telephone service. Its requirements supplement the requirements of the preceding section.
- (B) Due date of bills.
- (1) The due date of a bill shall not be sooner than 25 days after the bill is mailed or otherwise delivered to the customer. An additional five days shall be added where the carrier mails its bills from a location outside the State and requires customers to mail payment to a location outside the State.
 - (2) A postmarked bill is considered to have been mailed on the date it is postmarked.
 - (3) If the due date for payment falls on a Saturday, Sunday, legal holiday, or any other day when the carrier's offices are not open for business, the carrier shall extend the due date to the next business day.
 - (4) When a carrier provides a customer with multiple notices or contacts that contain different due dates for the same customer account, payment of that account is due on the latest date.
- (C) Advance Billing; Discount. A carrier may not require the payment of basic service fees more than one (1) month in advance. A carrier may, however, offer customers the option of receiving a discount for early payment and may require prepayment for equipment provided to the customer.

7.616 Notice of Rate Changes

- (A) Notice required. When a carrier changes the rates or other terms and conditions of presubscribed service, the carrier shall provide notice to each customer who may be affected by the change. However, notice is not required for a change to which the customer has previously and specifically agreed, including, but not limited to, those associated with individual customer contracts and promotional offerings.
- (B) Timing of notice.
- (1) If the change may increase the cost of service for a customer, notice shall be provided at least 30 days in advance of the change, except that companies may provide notice through bill inserts provided that customers are notified at least 15 days in advance of the change. However, where the Board allows a rate increase to take effect on less than 30 days notice, the carrier shall provide notice no later than the date on which the change is effective.
 - (2) Where a change will decrease rates, notice shall be given not later than the first bill following implementation of the change.
- (C) Right to cancel without penalty. A customer may terminate service without penalty at any time within 30 days of the effective date of a change in rates, terms and conditions, where:
- (1) the change may increase the cost of service to a customer; and
 - (2) the customer has not previously and specifically agreed to that change.

7.617 Annual Notice of Rights — Basic Telephone Service

Notice. Carriers shall make service and rate information available in phone directories, websites, or, upon request, in other media, such as brochures. At least annually, carriers shall inform customers in writing that this information is available. Carriers may meet this notice requirement by providing information on the customers bill or as a bill insert.

7.618 Customer Service Representatives

- (A) Each carrier shall provide customer service representatives (CSRs) during normal business hours in the eastern time zone to receive and process customer inquiries and complaints. The number of CSRs on duty shall be reasonably sufficient at that time to respond to expected questions from applicants and customers and to resolve disputes from customers. CSRs shall be properly qualified and instructed to answer questions, resolve disputes, and address requests for service.
- (B) Each carrier shall maintain a toll-free telephone number at which customers may contact a CSR, inquire into or dispute any charge contained on the bill or make inquiries into or file complaints regarding service.
- (C) CSRs shall have:
 - (1) Prompt access to each customers' service and billing records.
 - (2) Authority to order service changes for the customer.
 - (3) Authority to adjust billing errors, enter into payment arrangements, and resolve disputes.

7.619 Dispute Resolution

- (A) Process. A carrier shall address disputes in a responsible manner. Carriers shall employ the following dispute resolution process:
 - (1) When a carrier becomes aware of a dispute by a customer or applicant, the carrier shall investigate.
 - (2) The carrier shall provide a response to a dispute within seven business days of receipt of the inquiry or complaint. However, on request of the Department where circumstances require less time or in cases of emergency, disconnections, and reconnections, the carrier shall seek to respond in less time. The response shall include:
 - (a) A decision on the customer's dispute.
 - (b) Notice that, if the customer is not satisfied with the decision, the customer may seek further review by higher management within the company (if available) or may contact CAPI and the telephone number of CAPI.
 - (3) If a customer seeks review of a dispute by higher management within the carrier's organization, the carrier shall respond within fourteen (14) days of the date of the original dispute resolution was appealed.
 - (4) The carrier shall preserve a record of the substance and results of the investigation for at least one year following the investigation.

- (B) CAPI procedure. A customer may contact CAPI at any time, including before he or she has exhausted the carrier's internal dispute resolution process. CAPI shall employ the following process for such complaints:
- (1) At any time, CAPI may reject, without investigation, a dispute that is outside its jurisdiction or is without merit.
 - (2) Within a reasonable time, CAPI shall notify the affected company of the receipt of the dispute. However, CAPI may omit notice if it concludes that a particular complaint should remain confidential or no investigation is necessary.
 - (3) CAPI may request further information or a response from the company. If so, the carrier shall investigate the dispute and provide a response to the consumer and CAPI.
 - (a) A response shall be submitted within 14 days of receiving a request for information from the Department.
 - (b) If the dispute raises complex issues or issues that require more time to resolve than provided above, the carrier shall provide the consumer and the Department with an interim status report within ten days of its receipt of the complaint from the Department. The carrier shall then submit a final report within fourteen (14) days of the submission of its interim status report.
 - (c) If a timely final resolution cannot reasonably be achieved, the provider shall notify the Department and the consumer and keep both advised of the company's progress towards reaching final resolution.

7.620 Interruption and Disconnection of Telecommunications Service, General Provisions

- (A) Service interruption. Carriers shall attempt to provide continuous and uninterrupted service. When a carrier schedules a service interruption for maintenance or repairs, the carrier shall make reasonable efforts to notify customers of the cause and expected duration of the interruption at least 24 hours in advance.
- (B) Voluntary or ordered disconnection. Upon request of the customer or upon order of the Board, a carrier may disconnect basic telephone service at any time and without written notice.
- (C) Notice required.
- (1) Before it involuntarily disconnects any customer's telecommunications service or removes a customer from a rate plan, a carrier shall provide a minimum of fourteen (14) days' written notice. Where payment is made by check or other instrument which is subsequently dishonored, then the number of days between delivery to the carrier of the dishonored instrument and receipt by the carrier of notice of dishonor may be deducted from the minimum number of days prior to disconnection that notice must be sent, but in no event may carriers provide less than four days' notice.
 - (2) No carrier may charge a fee for issuing a notice of disconnection or rate plan change that exceeds the cost of issuing that notice.
- (D) Exceptions to notice requirements. A carrier may involuntarily disconnect any telecommunications service without any prior notice if the disconnection is:

- (1) for use that creates a risk to others or the network or is necessary to protect the health or safety of the customer or the general public; or
 - (2) for fraudulent or other unlawful use.
- (E) Disconnection after advance payment. Where a carrier disconnects the service of a customer who has paid service charges in advance, the carrier shall refund the balance of any prepaid service charges, but may offset the refund with any overdue payment amount.
- (F) Application of Payments. A carrier shall apply all payments to residential basic telephone service charges first before being applied to any other portion of the bill unless written instructions from the customer, a disputed bill, or payment arrangements require otherwise. This Rule shall not apply to payments made for a bundled package of services or to payments to carriers not required to file tariffs pursuant to Board Rule 7.500.
- (G) Debt of Household. A carrier shall not disconnect or refuse telephone service to a customer due to a delinquent bill owed by another person unless the customer responsible for the delinquency, resulting from service to that household, resides in the same household.
- (H) Form of disconnection notice. A notice of involuntary disconnection shall be in writing and shall clearly and conspicuously contain the following information:
 - (1) A statement that the customer's account is delinquent and the amount of the delinquency.
 - (2) A statement describing the service and stating that the carrier plans to disconnect the service on a stated date.
 - (3) A statement that service will not be disconnected if the delinquency is paid in full by a stated date.
 - (4) If the carrier's service includes basic telephone service and the carrier offers basic service on a stand-alone basis, that customer may elect to retain basic service only, provided that the customer pays the basic service delinquency or enters into a payment arrangement.
 - (5) The toll-free phone number of an appropriate customer service representative of the carrier.
 - (6) The itemized cost that may be charged to the ratepayer for disconnection, collection and later restoration of service and, if a deposit may be required for restoration of service, an explanation of how the amount will be calculated.
 - (7) Information regarding CAPI and dispute resolution, including:
 - (a) A statement that CAPI can provide assistance or advice regarding disputes with utilities and the address, telephone numbers, including the toll-free number, and business hours of CAPI.
 - (b) A statement that when CAPI has been unable to resolve a dispute it can provide information on how to submit the dispute for resolution by the Board.

7.621 Disconnection of Non-basic and Business Telecommunications Service

- (A) Applicability. In addition to the general requirements of section 7.620, the requirements of this section apply to the disconnection of telecommunications services other than residential basic telephone service.
- (B) Disconnection Allowed. A carrier may involuntarily disconnect non-basic telephone service or business basic service where:
- (1) payment of a valid non-basic telephone service bill or charge is delinquent, as defined in this rule; and
 - (2) a timely notice of disconnection has been delivered to the customer.
- (C) Limits on toll blocking. When a carrier disconnects a customer's toll service, whether at the customer's request or involuntarily, the carrier may not block the customers ability to make local calls, toll-free calls or presubscribe to another carrier's network. The carrier may block all other toll services, including dial-around calling.

7.622 Disconnection of Basic Residential Telephone Service

- (A) Applicability. In addition to the general requirements of section 7.620, the requirements in this section apply to the disconnection of residential basic telephone service.
- (B) Disconnection Allowed. A carrier may involuntarily disconnect basic telephone service where:
- (1) payment of a valid basic telephone service bill is delinquent, as defined in this rule;
 - (2) a notice of disconnection has been delivered to the customer; and
 - (3) the customer has been given an opportunity to enter into a payment arrangement as defined in paragraph (F).
- (C) Restrictions. Notwithstanding paragraph (B), a carrier may not involuntarily disconnect basic telephone service:
- (1) Based on a disputed delinquency that has been referred to the Board by the customer or the company and where the Board has advised the company not to disconnect service.
 - (2) Due to a failure to pay for any other service, including but not limited to non-basic services, line extensions, special construction, or other non-recurring charges. However this exception does not apply to reconnection charges or charges for personal visits to collect delinquent accounts or deposits. This paragraph does not prevent a carrier from disconnecting a bundled package of services that includes basic telephone service when charges for that bundle, considered as a whole, are delinquent.
 - (3) When prohibited by section 7.623 relating to medical emergencies.
 - (4) Where the delinquent bill or charge, or aggregate delinquent bills or charges, for all services, including basic, non-basic and other services provided by a carrier does not exceed \$50.00, provided this exception may not be used more than two billing cycles in a twelve-month period.
- (D) Time of Involuntary Disconnection.

- (1) Involuntary disconnection of basic telephone service shall occur only:
 - (a) on a normal business day;
 - (b) on the business day specified on the disconnection notice, or within four business days thereafter; and
 - (c) between the hours of 8:00 A.M. and 3:00 P.M.
- (2) Notwithstanding paragraph 1, a carrier may also involuntarily disconnect basic telephone service:
 - (a) at any time agreed to in advance and in writing by the customer;
 - (b) between the hours of 3:00 P.M. and 5:00 P.M., provided that the carrier has available personnel authorized to reconnect service and enter into arrangements on behalf of the carrier until 7:00 P.M. on that day; or
 - (c) at any time to protect the health or safety of the customer or the general public.

(E) Form of Involuntary Disconnection Notice.

- (1) A notice of involuntary disconnection for basic telephone service shall contain all of the information required under section 7.620, plus the following additional information, presented clearly and conspicuously:
 - (a) The time of day the carrier plans to disconnect service.
 - (b) A statement that service will not be disconnected if:
 - (i) the customer enters into a payment arrangement, as defined in Paragraph (F) of this Section, to pay the delinquency; or
 - (ii) the customer has residential service and presents a statement of medical emergency.
 - (c) A statement of the requirements for reconnection of basic service, including any applicable reconnection charges or security deposit requirements.
- (2) Filing Requirements. Prior to issuing any disconnection notice, the carrier shall obtain approval of the form of the notice. The notice form shall be deemed approved unless the Board states otherwise within thirty days following submission to the Board and the Department.

(F) Payment Arrangements.

- (1) Payment arrangements. When establishing satisfactory payment arrangements:
 - (a) a carrier shall not require more than a payment of one-half of the delinquent bill in advance and a promise to pay any balance owed over a period of three months or more.
 - (b) a carrier shall consider the customer's income (if offered by the customer), the customer's payment history (including the amount owed and the time over which the arrearage accrued), the current bill, and the reason for the outstanding bill, including whether the delinquency was caused by unforeseen circumstances.

- (2) Continued service required. A carrier shall continue to serve a residential customer who does not pay a basic telephone service account balance in full if the customer agrees to enter into a payment arrangement for the account balance. Thereafter, the carrier may not disconnect provided payment is made in accordance with the payment plan. However, a carrier is not required to enter into other payment arrangements if the carrier has previously entered twice into payment arrangements with that customer during the same calendar year and has each time thereafter disconnected the customer.
 - (3) Bundled service offerings.
 - (a) Where a customer has purchased a bundled service that includes basic telephone service, and the carrier offers basic telephone service on a stand-alone basis, the customer may elect to retain basic service by paying the basic service delinquency or by entering into a payment arrangement for the basic service delinquency. The carrier may elect to approximate the usage charges for all customers by adding a charge equal to 50% of the lowest available basic service charge.
 - (b) Where a customer has purchased a bundled service that includes basic telephone service and the carrier does not offer basic telephone service on a stand-alone basis, the payment arrangement shall be based upon the debt owed for the bundled service as a whole.
 - (4) Written confirmation. The carrier shall mail or deliver a written confirmation of a payment arrangement to the customer within three business days after a payment arrangement is agreed to. The written confirmation shall:
 - (a) inform the customer of the terms of the payment arrangement;
 - (b) inform the customer of the carrier's right to disconnect the customer for failure to comply with a payment arrangement; and
 - (c) include the address, toll free number and hours of operation of CAPI.
- (G) Restoration of service.
- (1) Following disconnection of residential service, a carrier shall restore service within 24 hours of the customer's request when:
 - (a) the disconnection occurred because of a use that created a risk to others or the network or was necessary to protect the health or safety of the customer or the general public and that use has terminated;
 - (b) the disconnection occurred for nonpayment and the carrier and the customer have reached an agreement or the customer has entered into a satisfactory payment arrangement; or
 - (c) the Board so directs.
 - (2) Reconnection charges. When a carrier restores residential service, to the extent feasible, it shall avoid charging customers for overtime rates and other abnormal expenses.
 - (3) Non-recurring charges. A company shall not require prepayment of any non-recurring charges associated with disconnection and restoration of residential

service as a condition of restoring service. Unless such charges are included in a repayment agreement, the customer shall pay them within thirty days after service restoration.

- (H) Prior Debt. A carrier may refuse to restore basic telephone service or to establish basic telephone service at a new location for a customer with a delinquent bill, provided that the customer has been given the opportunity to enter into a payment arrangement, pursuant to subsection (F) above, and the customer has failed to do so.
- (I) Quarterly report. Each basic telephone service provider that has involuntarily disconnected one or more residential customers in any month shall file with the Board during the following quarter, on a form provided by the Board, a statement reporting the following information regarding residential service for the previous quarter: the number of bills forwarded to ratepayers, the number of disconnection notices sent, the number of actual disconnections and the delinquency amount for each such disconnection, the number of reconnections made within 15 days of disconnection, the number of repayment plans entered into, the number of repayment plans that were broken. A carrier that has not filed its quarterly report under this section for one year shall not disconnect any primary residential lines until its reports are current.
- (J) Abbreviated Disconnection Notice. Where a customer has failed to abide by the terms of a payment plan, or paid by check or other instrument that it was subsequently dishonored, the carrier may disconnect service no sooner than three days following the delivery of a disconnection notice pursuant this Section.

7.623 Medical Emergency

- (A) Definition. As used in this rule, "medical emergency certificate" means a written statement, signed by a physician or other licensed primary health care provider, stating that an identified customer, or someone residing within the customer's household, would suffer an immediate and serious health hazard if the customer's basic telecommunications service were lost. A medical emergency certificate may also apply to other telecommunications services, including toll service, if explicitly specified on the certificate. A medical emergency certificate shall state whether the emergency condition is of limited duration and, if so, when the emergency condition is likely to abate. A medical emergency certificate applies to residential customers only.
- (B) Basic service required during medical emergency.
 - (1) After a basic telephone service carrier has received a medical emergency certificate from a customer with a primary residential line, the carrier may not disconnect basic telephone service from that line during the period specified in the certificate or 30 days, whichever is less.
 - (2) A customer may not avoid disconnection under this subsection more than three times nor for more than two consecutive 30-day periods in any 12 month period .
 - (3) After a carrier has disconnected basic telephone service for a primary residential line, upon receiving a medical emergency certificate during the ensuing 30 days, the carrier shall reconnect that service, for the period specified in the certificate or 30 days, whichever is less.
 - (4) A carrier that is an ETC, upon receiving a medical emergency certificate, shall provide basic telephone service to a new customer seeking primary residential

service and located at a place already served by the ETC, for the period specified in the certificate or 30 days, whichever is less.

(C) Toll service required during medical emergency.

- (1) After a toll service carrier has received a medical emergency certificate, the carrier may not disconnect toll service from that customer's primary residential line during the period specified in the certificate or 30 days, whichever is less.
- (2) A customer may not avoid disconnection under this subsection more than once in any 12 month period.

(D) Oral Notice. Oral notice shall function in the same manner as a written notice, provided:

- (1) The oral notice is given by the customer, a member of the customer's household or an employee or agent acting on behalf of a physician and to a customer affairs representative of the carrier.
- (2) The person giving notice asserts that the identified customer, or someone residing within the customer's household, would suffer an immediate and serious health hazard if the particular telecommunications service were lost.
- (3) A written certificate confirming the oral notice is delivered to the carrier within seven calendar days.

(E) Safety disconnections. This section does not prohibit disconnection for use that creates a risk to others or the network or is necessary to protect the health or safety of the customer or the general public.

(F) Timing of connection or reconnection. When a carrier is obligated under this section to connect or reconnect a customer, the carrier shall make substantial efforts to provide service as soon as possible, and shall provide service before the end of the next business day, but in no case more than 24 hours.

(G) Customer's duty to pay or make a payment arrangement. A medical emergency does not suspend or discharge the customer's duty to pay for service. Whenever service is provided under this section, the carrier may inform the customer of the continuing duty to pay or make payment arrangement for the amount overdue.

APPENDIX A - Telemarketing Notice

There are several things you can do about telemarketing:

1. Register your name with the Federal Communications Commission's National Do-Not-Call Registry. Registration may be completed on the FCC's website at: <http://www.fcc.gov/cgb/donotcall/>, or by calling 1-888-382-1222
2. Upon receiving a call from a particular telemarketer, ask them to identify themselves clearly and then tell them you want to be placed on that company's "do-not-call" list, which they must keep according to Federal law.
3. Remember that it is not impolite to hang up on such an unwanted caller. After informing the caller you do not wish to be called back, simply say goodbye.